

**S.R. 795** - By Barrientos: Extending congratulations to Ms. Courtney King of McCallum High School, runner-up in the Gray Panthers Essay Contest.

**ADJOURNMENT**

On motion of Senator Glasgow, the Senate at 6:21 p.m. adjourned until 11:00 a.m. tomorrow.

**SEVENTY-FIRST DAY**  
(Monday, May 20, 1991)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sibley, Sims, Tejeda, Truan, Turner, Zaffirini.

Absent-excused: Whitmire.

A quorum was announced present.

The Reverend Nehemiah Davis, Mt. Pisgah Baptist Church, Fort Worth (guest of Senator Moncrief), offered the invocation as follows:

Eternal God, the great creator and caretaker of the universe, we thank You for the gracious and significant role You have given the Members of this chamber. We pray that You will continue to guide, bless, strengthen and keep them. Grant them the vision, the conviction, the courage and the compassion to make those decisions that will best serve the common good of the people of this great State. This is our prayer. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**LEAVE OF ABSENCE**

Senator Whitmire was granted leave of absence for today on account of important business on motion of Senator Brooks.

**MESSAGE FROM THE HOUSE**

House Chamber  
May 20, 1991

**HONORABLE BOB BULLOCK**  
**PRESIDENT OF THE SENATE**

SIR: I am directed by the House to inform the Senate that the House has passed the following:

**H.B. 2190**, Relating to bail bonds.

**H.B. 1411**, Relating to regulation of persons transporting newspapers, newspaper supplements, or magazines for recycling.

**H.B. 451**, Relating to the regulation of sand excavations by certain counties and municipalities; providing a criminal penalty.

**H.B. 420**, Relating to a moratorium on the burning of certain hazardous wastes in cement kilns; providing a civil penalty.

Respectfully submitted,

BETTY MURRAY, Chief Clerk  
House of Representatives

#### **PERMISSION TO INTRODUCE BILLS**

Senator Brooks moved to suspend Article III, Section 5 of the Texas Constitution and Senate Rule 7.07(b) to permit the introduction of the following bills:

**S.B. 1613**

**S.B. 1614**

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Whitmire.

#### **REPORTS OF STANDING COMMITTEES**

Senator Montford submitted the following report for the Committee on Finance:

**H.B. 1298**

Senator Brooks submitted the following report for the Committee on Health and Human Services:

**C.S.H.B. 1503**

Senator Glasgow submitted the following report for the Committee on State Affairs:

**H.B. 779**

**H.B. 1486**

**H.B. 2057**

**H.B. 1935**

**H.B. 2112**

**H.B. 1345**

**H.B. 2556**

**H.B. 2404**

**S.B. 1549**

**H.B. 225**

**C.S.S.B. 1001**

**C.S.S.B. 95**

**C.S.H.B. 142**

**C.S.H.B. 183**

**C.S.H.B. 2065**

**C.S.H.B. 2495**

**C.S.H.B. 2259**

**C.S.H.B. 319**

**H.B. 399**

**C.S.H.B. 2114**

Senator Parker submitted the following report for the Committee on Education:

S.C.R. 60  
H.B. 1004  
H.B. 2144  
H.B. 289  
C.S.H.B. 2277

Senator Dickson submitted the following report for the Committee on Economic Development:

S.B. 1116  
H.B. 2338  
H.B. 2811  
H.B. 754  
H.B. 2250  
S.R. 719  
H.B. 128 (Amended)  
C.S.H.B. 1020  
C.S.H.B. 703

Senator Sims submitted the following report for the Committee on Natural Resources:

H.B. 2837  
H.B. 2195  
H.B. 2056  
H.B. 1761  
H.B. 1373  
H.B. 1356  
H.B. 529  
C.S.S.B. 1600

Senator Barrientos submitted the following report for the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointment, have had same under consideration and report it back to the Senate with the recommendation that he be confirmed.

To be a Member of the TEXAS ALCOHOLIC BEVERAGE COMMISSION:  
James R. Huffines, Travis County.

#### SENATE BILLS ON FIRST READING

Article III, Section 5 of the Texas Constitution and Senate Rule 7.07(b) having been suspended, the following bills were introduced, read first time and referred to the Committee indicated:

S.B. 1613 by Brooks Health and Human Services  
Relating to the regulation of ocean-going ships on which gambling is offered and to the application of certain gambling offenses to ocean-going ships; creating offenses; imposing penalties.

S.B. 1614 by Haley  
Relating to the State Preservation Board.

Administration

**HOUSE BILLS ON FIRST READING**

The following bills received from the House were read the first time and referred to the Committee indicated:

- H.B. 271, To Committee on Health and Human Services.
- H.B. 341, To Committee on Intergovernmental Relations.
- H.B. 431, To Committee on Jurisprudence.
- H.B. 738, To Committee on Criminal Justice.
- H.B. 850, To Committee on Intergovernmental Relations.
- H.B. 862, To Committee on Criminal Justice.
- H.B. 1057, To Committee on Intergovernmental Relations.
- H.B. 1065, To Committee on Intergovernmental Relations.
- H.B. 1215, To Committee on Natural Resources.
- H.B. 1225, To Committee on Economic Development,  
Subcommittee on Insurance.
- H.B. 1233, To Committee on Jurisprudence.
- H.B. 1280, To Committee on Education.
- H.B. 1289, To Committee on Intergovernmental Relations.
- H.B. 1328, To Committee on Intergovernmental Relations.
- H.B. 1496, To Committee on Criminal Justice.
- H.B. 1563, To Committee on Jurisprudence.
- H.B. 1598, To Committee on Economic Development.
- H.B. 1655, To Committee on Intergovernmental Relations.
- H.B. 1800, To Committee on Education.
- H.B. 1801, To Committee on Economic Development.
- H.B. 1829, To Committee on Education.
- H.B. 1877, To Committee on Intergovernmental Relations.
- H.B. 2009, To Committee on State Affairs.
- H.B. 2054, To Committee on Health and Human Services.
- H.B. 2115, To Committee on Economic Development,  
Subcommittee on Insurance.
- H.B. 2166, To Committee on Jurisprudence.
- H.B. 2187, To Committee on Economic Development.
- H.B. 2224, To Committee on Health and Human Services.
- H.B. 2283, To Committee on Intergovernmental Relations.
- H.B. 2327, To Committee on Health and Human Services.
- H.B. 2421, To Committee on Criminal Justice.
- H.B. 2430, To Committee on State Affairs.
- H.B. 2478, To Committee on Health and Human Services.
- H.B. 2518, To Committee on Intergovernmental Relations.
- H.B. 2561, To Committee on Intergovernmental Relations.
- H.B. 2593, To Committee on Economic Development,  
Subcommittee on Insurance.
- H.B. 2670, To Committee on Jurisprudence.
- H.B. 2691, To Committee on Intergovernmental Relations.
- H.B. 2719, To Committee on Jurisprudence.
- H.B. 2744, To Committee on Intergovernmental Relations.
- H.B. 2746, To Committee on Intergovernmental Relations.
- H.B. 2820, To Committee on State Affairs.
- H.B. 2822, To Committee on Intergovernmental Relations.
- H.B. 2862, To Committee on Intergovernmental Relations.
- H.B. 2876, To Committee on Natural Resources.
- H.B. 2879, To Committee on Economic Development.

**COMMITTEE SUBSTITUTE  
SENATE BILL 612 ON SECOND READING**

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 612**, Relating to the regulation of ocean-going ships on which gambling is offered and to the application of certain gambling offenses to ocean-going ships; creating offenses; imposing penalties.

The bill was read second time.

Senator Brooks offered the following amendment to the bill:

Amend **C.S.S.B. 612** by striking all below the enacting clause and substituting in lieu thereof the following:

**SECTION 1.** Title 6, Revised Statutes, is amended by adding Article 179g to read as follows:

Art. 179g. DAY CRUISE CASINO SHIPS

Sec. 1. DEFINITIONS. In this article:

(1) "Casino" means a part of a ship in which gaming is conducted.

(2) "Casino operator" means a person who maintains a game aboard a day cruise casino ship.

(3) "Commission" means the Texas Commission of Licensing and Regulation.

(4) "Commissioner" means the commissioner of licensing and regulation.

(5) "Day cruise casino ship" means an ocean-going vessel:

(A) on which gaming is conducted in the territorial waters of this state; or

(B) that boards passengers at a port in this state for regularly scheduled day cruises of less than 24 hours that includes gaming.

(6) "Game" or "gaming" means any betting activity described in Chapter 47, Penal Code, including an activity that uses gaming equipment or devices.

(7) "Gaming employee" means any individual directly connected with the operation of a game on a day cruise casino ship. The term does not include a person who is:

(A) required to hold a license under Section 3 or 4 of this article; or

(B) employed on a day cruise casino ship exclusively:  
(i) in connection with preparation or serving of food or beverages; or

(ii) as a crew member or officer responsible for operating or navigating the day cruise casino ship.

(8) "License holder" means any person holding a license issued under this article.

(9) "Person" includes a corporation, organization, business trust, estate, trust, partnership, association, and any other legal entity.

Sec. 2. RULES. (a) The commission may adopt rules for the administration of this article.

(b) The commission shall adopt rules to prevent gambling by persons younger than 21 years of age and to prevent persons younger than 16 years of age from boarding a day cruise casino ship unless accompanied by a parent, conservator, guardian or other legal custodian of the person.

Sec. 3. SHIP OPERATOR LICENSE REQUIRED. A person must obtain a license to operate a day cruise casino ship.

Sec. 4. CASINO OPERATOR LICENSE REQUIRED. A person must obtain a license to operate a casino on a day cruise casino ship.

Sec. 5. GAMING EMPLOYEE LICENSE REQUIRED. A person must obtain a license to work as a gaming employee on a day cruise casino ship.

Sec. 6. FEES. The fee for a day cruise casino ship operator license under Section 3 of this article is \$25,000 per ship. The commission shall set fees for other licenses and renewals under this article in amounts that are reasonable and necessary to cover the complete cost of administering this article and the cost of administering the application process, including background investigations and fingerprint and criminal history record checks. The commission may enter into an interagency contract with the Department of Public Safety to provide background investigations or to provide fingerprint and criminal history record checks required under this article.

Sec. 7. LICENSE APPLICATION; ISSUANCE; RENEWAL. (a) An applicant for a license under this article must file a written application with the commissioner on a form prescribed by the commissioner. The application must be accompanied by the appropriate fee.

(b) An application for a license must include:

(1) if the applicant is an individual:

(A) the applicant's full name;

(B) the applicant's date and place of birth;

(C) a physical description of the applicant;

(D) the applicant's current address and telephone

number;

(E) the applicant's social security number; and

(F) a statement by the applicant disclosing the applicant's arrest or conviction for any felony or misdemeanor offense other than a misdemeanor offense under the Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes) or a similar misdemeanor traffic offense;

(2) if the applicant is a corporation:

(A) the name and address of the corporation's agent for service of process in this state;

(B) the names, current addresses, and telephone numbers of its directors and stockholders;

(C) the date and place of birth, social security number, and a physical description of each director and individual stockholder;

(D) the applicant's federal taxpayer identification number, if any; and

(E) a statement by each director and individual stockholder disclosing any arrest or conviction of that director or stockholder for any felony or misdemeanor offense other than a misdemeanor offense under the Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes) or a similar misdemeanor traffic offense;

(3) if the applicant is an unincorporated business association or any other legal entity:

(A) the names, current addresses, and telephone numbers, and percentage of ownership of each of its owners or members;

(B) the date and place of birth, social security number, and a physical description of each individual owner or member;

(C) the applicant's federal taxpayer identification number, if any; and

(D) a statement by each individual owner or member disclosing any arrest or conviction of that owner or member for any felony or misdemeanor offense other than a misdemeanor offense under the Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes) or a similar misdemeanor traffic offense;

(4) a detailed statement of the assets and liabilities of the applicant;  
and

(5) information necessary to determine whether grounds for denial of the license exist under Section 10 of this article.

(c) An application for a day cruise casino ship operator license must be accompanied by:

(1) complete registration information on the ship to be used as a day cruise casino ship;

(2) plans for the ship to be used as a day cruise casino ship, showing the proposed location of the casino space;

(3) a copy of each management or concession contract pertaining to the proposed day cruise casino ship, together with the same information on each person named in the contract as required of an applicant; and

(4) identification of the point of departure and return for all cruises of less than 24 hours duration, designating the city, city cruise ship terminal, or pier or dock at which the ship is regularly berthed for scheduled sailings.

(d) An application for a casino operator license must be accompanied by:

(1) complete registration information on the ship on which the casino will be operated;

(2) plans for the ship to be used as a day cruise casino ship, showing the proposed location of the casino space; and

(3) a detailed description of all games and devices to be used for gaming aboard the ship and the methods for notifying the public that the rules of each game and standards for percentages of wins and losses are prominently displayed on the ship and in the casino.

(e) The commissioner shall not issue a day cruise casino ship operator license or a casino operator license for a ship to operate from a port within a 60-mile radius of the county seat of a county in which a greyhound racetrack licensed under the Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes) is located, if the racetrack has operated for at least 90 days before the license application required by this article is approved. A day cruise casino ship that is operating before any greyhound racetrack in the county from which the ship operates is licensed may continue to operate and is eligible for a license under this Act if otherwise qualified.

(f) The commissioner shall issue an appropriate license to an applicant who meets the requirements of this article. The commissioner shall provide each license holder with a license certificate or credentials.

(g) A license issued under this article expires on the first anniversary of the date it was issued. A license may be renewed before expiration on the filing of a renewal application in the form prescribed by the commissioner accompanied by the renewal fee.

(h) An applicant or license holder shall notify the commissioner of any change in the information in the applicant's or license holder's most recent application for a license or renewal of a license. The applicant or license holder shall notify the commissioner of the change in the information not later than the 10th day after the date of the change.

(i) The Department of Public Safety may conduct background investigations of an applicant for a license under this article under an interagency contract with the commission. The commissioner or the Department of Public Safety may require

an applicant to supplement an original application with additional information that is reasonably related to the application process.

Sec. 8. FINGERPRINTS. (a) An applicant for a license under this article must submit to the commissioner a complete set of fingerprints of the individual applying for the license or, if the applicant is not an individual, of any individual required to be named in the application.

(b) The commissioner, not later than the next day after receiving the fingerprints, shall forward the prints by mail to the Department of Public Safety. Under an interagency contract with the commission, the department shall classify the fingerprints and check them against its fingerprint files and shall report to the commissioner its findings concerning the criminal record of the applicant or the lack of such a record. A license may not be issued until the report is made to the commissioner. The department may maintain records submitted under this article.

(c) The Department of Public Safety may adopt rules governing the fingerprint process described in this section.

Sec. 9. ACCESS TO CRIMINAL HISTORY RECORDS. (a) The commissioner may obtain any criminal history record information that relates to an applicant for a license issued by the commissioner under this article and that is maintained by the Department of Public Safety or the Federal Bureau of Investigation Identification Division. The commissioner may refuse to grant a license to an applicant who fails to provide a complete set of fingerprints.

(b) The commissioner may obtain criminal history record information from any law enforcement agency.

(c) Criminal history record information received by the commissioner under this section from any law enforcement agency that requires the information to be kept confidential as a condition of release of the information is for the exclusive use of the commissioner, is privileged and confidential, and may not be released or otherwise disclosed to any person or agency except in a criminal proceeding, in a hearing conducted by the commissioner or a hearings officer appointed by the commissioner, on court order, or with the consent of the applicant.

Sec. 10. DENIAL OF APPLICATION OR SUSPENSION OR REVOCATION OF LICENSE. After a hearing, the commissioner shall deny an application for a license or suspend or revoke a license if the commissioner finds that the applicant or license holder:

(1) is an individual who:

(A) has, in any jurisdiction, been convicted of or placed on probation for a felony, criminal fraud, gambling or a gambling-related offense, or a misdemeanor involving moral turpitude; or

(B) is married to or related in the first degree of consanguinity or affinity to an individual described in Paragraph (A) of this subdivision;

(2) is not an individual, and an individual described in Subdivision (1) of this section:

(A) is an officer or director of the applicant or license holder;

(B) holds more than 10 percent of the stock in the applicant or license holder;

(C) holds an equitable interest greater than 10 percent in the applicant or license holder;

(D) is a creditor of the applicant or license holder who holds more than 10 percent of the applicant's or license holder's outstanding debt;

(E) shares or will share in the profits, other than stock dividends, of the applicant or license holder; or

(F) participates in managing the affairs of the applicant or license holder;



(3) has failed to disclose information that would, if disclosed, render the license holder ineligible for a license under this section;

(4) has failed to provide to the commissioner or the Department of Public Safety supplementary information as required by this article;

(5) has violated this article or a rule adopted under this article; or

(6) has violated a federal or state penal gambling statute.

Sec. 11. OFFENSES. (a) A person commits an offense if the person violates Section 3, 4, or 5 of this article.

(b) A person commits an offense if:

(1) the person employs another as a gaming employee;

(2) the person employed is required to hold a gaming employee license under Section 5 of this article; and

(3) the person employed does not have a gaming employee license issued under Section 7 of this article.

(c) A person commits an offense if the person intentionally, knowingly, recklessly, or with criminal negligence makes a false, incorrect, or deceptive material statement to another who is conducting an investigation or exercising discretion under this article or a rule adopted under this article. In this subsection, "statement" includes:

(1) a written or oral statement; and

(2) a sworn or unsworn statement.

(d) A person commits an offense if the person intentionally, knowingly, recklessly, or with criminal negligence refuses, denies, or hinders entry to another who is exercising or attempting to exercise a power of boarding or inspection under this article.

(e) A person commits an offense if the person intentionally, knowingly, recklessly, or with criminal negligence permits a person younger than 21 years of age to engage in gaming aboard a day cruise casino ship.

(f) A person younger than 21 years of age commits an offense if the person intentionally or knowingly engages in gaming aboard a day cruise casino ship. An offense under this subsection is a Class C misdemeanor.

(g) Except as provided in Subsection (f) of this section, an offense under this section is a felony of the third degree.

Sec. 12. VENUE. An offense under this article may be prosecuted in:

(1) the county in which venue is proper under Article 13.11, Code of Criminal Procedure; or

(2) Travis County, if:

(A) it cannot be proved in which county the alleged offense occurred; or

(B) the offense is the failure to have a valid license under this article.

Sec. 13. ENFORCEMENT. (a) The commissioner, comptroller, and Department of Public Safety shall enforce this article. The commissioner, comptroller, or department may board and inspect a day cruise casino ship located in this state, including the territorial waters of this state, to ensure that the ship is operated in compliance with state or other applicable law. The commissioner, comptroller, or Department of Public Safety may charter a ship at the expense of a licensed day cruise casino ship operator if the commissioner, comptroller, or department considers it necessary to board the ship at sea.

(b) A license holder may not refuse a request by the commissioner, comptroller, or Department of Public Safety to board or inspect a ship licensed under this article.

(c) The commissioner, comptroller, or Department of Public Safety may initiate a complaint under this article with the commissioner.

Sec. 14. MUNICIPAL REGULATION. (a) A municipality by ordinance may impose regulations for the protection of the health and safety of the passengers or crew of day cruise casino ships that regularly take on passengers in the municipality or that are regularly loaded, fueled, repaired, stored, or docked in the municipality, and may levy a boarding fee that does not exceed \$1 per passenger per trip.

(b) A municipality may inspect a day cruise casino ship that is docked in the municipality to determine whether the ship is being operated in compliance with this article, Chapter 47, Penal Code, municipal ordinances, or other law.

(c) A municipal ordinance may not prohibit any activity relating to a day cruise casino ship that is expressly permissible under this article, Chapter 47, Penal Code, or other state law. A municipality may not require a license in addition to the licenses required by this article.

(d) A municipality may impose an annual fee on the operator of a day cruise casino ship for the municipality's costs of investigation and inspection. The annual fee may not exceed \$10,000 per ship.

SECTION 2. Section 47.01, Penal Code, is amended by adding Subdivisions (9) and (10) to read as follows:

(9) "Coastline" means the line of mean low tide along the portions of the Texas coast that are in direct contact with the open Gulf of Mexico.

(10) "Day cruise casino ship" has the meaning assigned by Article 179g, Revised Statutes.

SECTION 3. Section 47.02(c), Penal Code, is amended to read as follows:

(c) It is an affirmative [a] defense to prosecution under this section that:

(1) the actor reasonably believed that the conduct was permitted under;

(A) the Bingo Enabling Act (Article 179d, Vernon's Texas Civil Statutes); or

(B) [under] the Charitable Raffle Enabling Act (Article 179f, Revised Statutes);

(2) the conduct occurred aboard a day cruise casino ship, the actor did not operate the game or contest, and the actor reasonably believed that:

(A) the owner of the ship and the person operating the game held appropriate licenses under Article 179g, Revised Statutes; and

(B) the ship was at least three nautical miles gulfward from the coastline at the time the conduct occurred; or

(3) the conduct occurred aboard a day cruise casino ship, the actor held an appropriate license under Article 179g, Revised Statutes, and reasonably believed his conduct complied with that article and rules adopted under that article, and the ship was at least three nautical miles gulfward from the coastline at the time the conduct occurred.

SECTION 4. Section 47.04(c), Penal Code, is amended to read as follows:

(c) It is an affirmative defense to prosecution under this section that the gambling place is aboard a day cruise casino ship [an ocean-going vessel that enters the territorial waters of this state to call at a port in this state] if:

(1) the operator of the ship and the operator of the gambling place hold appropriate licenses under Article 179g, Revised Statutes, if licenses are required by that article because of gambling that may occur in [before the vessel enters the territorial waters of this state, the district attorney or, if there is no district attorney, the county attorney for the county in which the port is located receives notice of the existence of the gambling place on board the vessel and of the anticipated dates on which the vessel will enter and leave] the territorial waters of this state;

(2) the portion of the ship [vessel] that is used as a gambling place is locked or otherwise physically secured in a manner that makes the area inaccessible

to anyone other than the master and crew of the ship [vessel] at all times while the ship [vessel] is located less than three nautical miles gulfward from the coastline [in the territorial waters of this state];

(3) no person other than the master and crew of the ship [vessel] is permitted to enter [or view] the gambling place while the ship [vessel] is located less than three nautical miles gulfward from the coastline [in the territorial waters of this state]; and

(4) the gambling place is not used for gambling or other gaming purposes while the ship [vessel] is located less than three nautical miles gulfward from the coastline [in the territorial waters of this state].

SECTION 5. Section 47.06(c), Penal Code, is amended to read as follows:

(c) It is an affirmative defense to prosecution under Subsection (a) of this section that the device or equipment is aboard a day cruise casino ship [an ocean-going vessel that enters the territorial waters of this state to call at a port in this state] if:

(1) the operator of the ship and the operator of the gambling place hold appropriate licenses under Article 179g, Revised Statutes, if licenses are required by that article because of gambling that may occur in [before the vessel enters the territorial waters of this state, the district attorney or, if there is no district attorney, the county attorney for the county in which the port is located receives notice of the existence of the device or equipment on board the vessel and of the anticipated dates on which the vessel will enter and leave] the territorial waters of this state;

(2) the portion of the ship [vessel] in which the device or equipment is located is locked or otherwise physically secured in a manner that makes the area inaccessible to anyone other than the master and crew of the ship [vessel] at all times while the ship [vessel] is located less than three nautical miles gulfward from the coastline [in the territorial waters of this state];

(3) no person other than the master and crew of the ship [vessel] is permitted to enter [or view] the portion of the ship [vessel] in which the device or equipment is located while the ship [vessel] is located less than three nautical miles gulfward from the coastline [in the territorial waters of this state]; and

(4) the device or equipment is not used for gambling or other gaming purposes while the ship [vessel] is located less than three nautical miles gulfward from the coastline [in the territorial waters of this state].

SECTION 6. Section 47.07(b), Penal Code, is amended to read as follows:

(b) It is an affirmative defense to prosecution under this section that the gambling paraphernalia is aboard a day cruise casino ship [an ocean-going vessel that enters the territorial waters of this state to call at a port in this state] if:

(1) the operator of the ship and the operator of the gambling place hold appropriate licenses under Article 179g, Revised Statutes, if licenses are required by that article because of gambling that may occur [before the vessel enters the territorial waters of this state, the district attorney or, if there is no district attorney, the county attorney for the county in which the port is located receives notice of the existence of the gambling paraphernalia on board the vessel and of the anticipated dates on which the vessel will enter and leave] the territorial waters of this state;

(2) the portion of the ship [vessel] in which the gambling paraphernalia is located is locked or otherwise physically secured in a manner that makes the area inaccessible to anyone other than the master and crew of the ship [vessel] at all times while the ship [vessel] is located less than three nautical miles gulfward from the coastline [in the territorial waters of this state];

(3) no person other than the master and crew of the ship [vessel] is permitted to enter [or view] the portion of the ship [vessel] in which the gambling

paraphernalia is located while the ship [vessel] is located less than three nautical miles gulfward from the coastline [in the territorial waters of this state]; and

(4) the gambling paraphernalia is not used for gambling or other gaming purposes while the ship [vessel] is located less than three nautical miles gulfward from the coastline [in the territorial waters of this state].

SECTION 7. Article 179f, Revised Statutes, as added by Section 5, Chapter 1030, Acts of the 71st Legislature, Regular Session, 1989, is repealed.

SECTION 8. (a) The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date.

(b) An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

SECTION 9. (a) This Act takes effect September 1, 1991.

(b) A person who on the effective date of this Act operates a cruise ship having a casino may continue to operate the ship and may conduct gambling in the territorial waters of this state as permitted by Chapter 47, Penal Code, as amended by this Act, or outside the territorial waters of this state without obtaining a license under Article 179g, Revised Statutes, as added by this Act, if:

(1) the person holds a license to operate the ship issued by a municipality; and

(2) the municipal licensing procedure requires appropriate Department of Public Safety approval of the owner and operator of the ship.

(c) A person operating a ship under Subsection (b) of this section shall notify the commissioner of licensing and regulation before the person conducts gambling in the territorial waters of this state as permitted by Chapter 47, Penal Code, as amended by this Act. The commissioner shall provide the person with an appropriate application for a license under Article 179g, Revised Statutes, as added by this Act, as soon as the applications are developed.

(d) A person operating a cruise ship having a casino under Subsection (b) of this section may not conduct gambling in the territorial waters of this state if the commissioner of licensing and regulation denies the person a license under Article 179g, Revised Statutes.

SECTION 10. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

#### RECORD OF VOTES

Senators Ratliff and Sibley asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

#### COMMITTEE SUBSTITUTE SENATE BILL 612 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 612 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 22, Nays 5.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Glasgow, Harris of Dallas, Henderson, Johnson, Krier, Lucio, Moncrief, Parker, Rosson, Sims, Tejeda, Truan, Turner, Zaffirini.

Nays: Harris of Tarrant, Leedom, Montford, Ratliff, Sibley.

Absent: Green, Haley, Lyon.

Absent-excused: Whitmire.

The bill was read third time and was passed by a viva voce vote.

#### **RECORD OF VOTES**

Senators Glasgow, Green, Haley, Harris of Tarrant, Leedom, Lyon, Montford, Ratliff, Sibley, Tejeda, Zaffirini and Armbrister asked to be recorded as voting "Nay" on the final passage of the bill.

#### **SESSION TO CONSIDER EXECUTIVE APPOINTMENTS**

The President announced the time had arrived to consider the Executive appointments to agencies, boards and commissions. Notice of submission of these names for consideration was given Friday, May 17, 1991, by Senator Barrientos.

Senator Barrientos moved confirmation of the nominees reported Friday, May 17, 1991, by the Committee on Nominations.

The President asked if there were requests to sever nominees.

There were no requests offered.

#### **NOMINEES CONFIRMED**

The following nominees as reported by the Committee on Nominations were confirmed by the following vote: Yeas 30, Nays 0.

Absent-excused: Whitmire.

Interim Commissioner of Education: DR. TOM E. ANDERSON, JR., Travis County.

Members, Board of Directors, Texas Housing Agency: JOHN W. HAZARD, Harris County; ARTHUR NAVARRO, Travis County.

Members, Department of Information Resources: JON MARTIN BRADLEY, Dallas County; R. D. "DAN" BURCK, Travis County; WILLIAM D. STOTESBERY, Travis County.

Members, Texas Commission on Jail Standards: CHARLES E. CHATMAN, Grayson County; SHERIFF JOE EVANS, Nacogdoches County.

Members, Texas Agricultural Diversification Board: MS. POLLY CUMMINGS, Lampasas County; LUIS MATA, El Paso County; MAURICE OWENS, Waller County; JOE BAILEY PATE, JR., Lubbock County.

Members, Board of Trustees, Texas Growth Fund: JOHN H. DALTON, Bexar County; GARY G. JACOBS, Webb County.

Member, Texas Low-Level Radioactive Waste Disposal Authority: TOM INGRAM, Midland County.

Members, On-Site Wastewater Treatment Research Council: MARK VERNON LOWRY, Wharton County; LEO L. RODRIGUEZ, JR., Hidalgo

County; WILLIAM W. TENISON, Wood County; SAMUEL B. VAUGHN, JR., Rusk County; WILLIS LEO WOOD, Williamson County.

Member, Product Commercialization Advisory Board: MS. BERNICE J. WASHINGTON, Dallas County.

Members, Texas Council on Vocational Education (Appointed by State Board of Education): MIKE BICKLEY, Angelina County; LEWIS E. COOK, Harris County; MS. SHIRLENE S. COOK, Jefferson County; MARCUS HILL, Tarrant County; MS. ANN F. HODGE, Harris County; EDWARD L. LEHMAN, Wilbarger County; ELBERT MARCOM, Williamson County; DR. TED MARTINEZ, JR., Dallas County; JACK C. PENNINGTON, Collin County; HENRY R. SOLLERS, La Salle County; MS. LILLIAN J. SUCHOFF, Nueces County; DR. DIANE TROYER, El Paso County; WILLIAM E. ZINSMEYER, Bexar County.

#### SENATE BILL 1553 ON SECOND READING

On motion of Senator Sibley and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 1553**, Relating to defining interest as excluding certain sums and values related to certain debt obligations and certificates of beneficial ownership.

The bill was read second time and was passed to engrossment by a viva voce vote.

#### SENATE BILL 1553 ON THIRD READING

Senator Sibley moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **S.B. 1553** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Whitmire.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

#### CAPITOL PHYSICIAN

Senator Krier was recognized and presented Dr. John Rasch of San Antonio.

Dr. Rasch, participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, was welcomed by the Senate and received an expression of gratitude for his service today.

#### COMMITTEE SUBSTITUTE HOUSE BILL 220 ON SECOND READING

On motion of Senator Moncrief and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**C.S.H.B. 220**, Relating to the issuance of specially designed license plates for certain veterans of military service and surviving spouses of certain veterans.

The bill was read second time and was passed to third reading by a viva voce vote.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 220 ON THIRD READING**

Senator Moncrief moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.H.B. 220 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Whitmire.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
SENATE BILL 828 ON SECOND READING**

On motion of Senator Lyon and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 828**, Relating to the treatment of chemically dependent offenders in the criminal justice system.

The bill was read second time.

Senator Lyon offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **C.S.S.B. 828** by striking Section 5 and inserting the following new Section 5:

“This Act takes effect September 1, 1994.”

The amendment was read and was adopted by a viva voce vote.

Senator Harris of Tarrant offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **C.S.S.B. 828**, SECTION 3, Section 1.131(f) (Committee Printing page 3, lines 32 and 33) by striking “with an organization” and substituting “through the commission.”

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Lyon and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 828 ON THIRD READING**

Senator Lyon moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **C.S.S.B. 828** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Bivins.

Absent-excused: Whitmire.

The bill was read third time and was passed by a viva voce vote.

**RECORD OF VOTE**

Senator Montford asked to be recorded as voting “Nay” on the final passage of the bill.

**SENATE JOINT RESOLUTION 12 ON SECOND READING**

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.J.R. 12**, Proposing a constitutional amendment to raise the limits of the exemption from ad valorem taxation of property owned by disabled veterans or by the surviving spouses and surviving minor children of disabled veterans.

The resolution was read second time.

Senator Lucio offered the following amendment to the resolution:

Amend **S.J.R. 12** by striking all below the resolving clause and substituting the following:

**SECTION 1.** Article VIII, Section 2(b), of the Texas Constitution is amended to read as follows:

(b) The Legislature may, by general law, exempt property owned by a disabled veteran or by the surviving spouse and surviving minor children of a disabled veteran. A disabled veteran is a veteran of the armed services of the United States who is classified as disabled by the Veterans' Administration or by a successor to that agency; or the military service in which he served. A veteran who is certified as having a disability of less than 10 percent is not entitled to an exemption. A veteran having a disability rating of not less than 10 percent nor more than 30 percent may be granted an exemption from taxation for property valued at up to \$1,500. In addition, a veteran who is the head of a household and whose income, excluding military retirement and military disability income, is \$25,000 or less, and who is certified as having a disability rating of not less than 10 percent nor more than 30 percent may be granted an exemption from taxation, other than taxation for general or secondary school purposes, for property valued at up to \$15,000. A veteran having a disability rating of more than 30 percent but not more than 50 percent may be granted an exemption from taxation for property valued at up to \$2,000. In addition, a veteran who is the head of a household and whose income, excluding military retirement and military disability income, is \$25,000 or less, and who is certified as having a disability rating of more than 30 percent but not more than 50 percent may be granted an exemption from taxation, other than taxation for general or secondary school purposes, for property valued at up to \$20,000. A veteran having a disability rating of more than 50 percent but not more than 70 percent may be granted an exemption from taxation for property valued at up to \$2,500. In addition, a veteran who is the head of a household and whose income, excluding military retirement and military disability income, is \$25,000 or less, and who is certified as having a disability rating of more than 50 percent but not more than 70 percent may be granted an exemption from taxation, other than taxation for general or secondary school purposes, for property valued at up to \$25,000. A veteran who has a disability rating of more than 70 percent, or a veteran who has a disability rating of not less than 10 percent and has attained the age of 65, or a disabled veteran whose disability consists of the loss or loss of use of one or more limbs, total blindness in one or both eyes, or paraplegia, may be granted an exemption from taxation for property valued at up to \$3,000. In addition, a veteran who is the head of a household and whose income, excluding military retirement and military disability income, is \$25,000 or less, who is certified as having a



disability rating of more than 70 percent; or a veteran who is the head of a household and whose income, excluding military retirement and military disability income, is \$25,000 or less, who is certified as having a disability rating of not less than 10 percent and has attained the age of 65; or a disabled veteran who is the head of a household and whose income, excluding military retirement and military disability income, is \$25,000 or less, and whose disability consists of the loss or loss of use of one or more limbs, total blindness in one or both eyes, or paraplegia, may be granted an exemption from taxation, other than taxation for general or secondary school purposes, for property valued at up to \$30,000. The spouse and children of any member of the United States Armed Forces who loses his life while on active duty will be granted an exemption from taxation for property valued at up to \$2,500. In addition, the spouse of any member of the United States Armed Forces killed while on active duty, who is the head of a household, and whose income, excluding military survivor's income, is \$25,000 or less, may be granted an exemption from taxation, other than taxation for general or secondary school purposes, for property valued at up to \$25,000. A deceased disabled veteran's surviving spouse and children may be granted an exemption which in the aggregate is equal to the exemption to which the decedent was entitled at the time he died.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held on November 5, 1991. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment relating to raising the limits of the exemption from ad valorem taxation of property owned by disabled veterans or by the surviving spouses or surviving minor children of disabled veterans."

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Lucio and by unanimous consent, the caption was amended to conform to the body of the resolution as amended.

The resolution as amended was passed to engrossment by a viva voce vote.

#### SENATE JOINT RESOLUTION 12 ON THIRD READING

Senator Lucio moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that S.J.R. 12 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Whitmire.

The resolution was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

#### HOUSE BILL 378 ON SECOND READING

On motion of Senator Rosson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**H.B. 378**, Relating to determining whether the amount of bond in a criminal case should be reduced.

The bill was read second time.

Senator Rosson offered the following committee amendment to the bill:

Amend **H.B. 378** as follows:

On page 1, line 15, insert between the words "reduce" and "the", and on line 18 insert between the words "reduction" and "in" the following: "or raise"

The committee amendment was read and was adopted by a viva voce vote.

On motion of Senator Rosson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading by a viva voce vote.

#### **HOUSE BILL 378 ON THIRD READING**

Senator Rosson moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **H.B. 378** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Whitmire.

The bill was read third time and was passed by a viva voce vote.

**(Senator Brooks in Chair)**

#### **COMMITTEE SUBSTITUTE SENATE BILL 888 ON SECOND READING**

Senator Johnson asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**C.S.S.B. 888**, Relating to the provision by the state of surety bonds for historically underutilized businesses.

There was objection.

Senator Johnson then moved to suspend the regular order of business and take up **C.S.S.B. 888** for consideration at this time.

The motion prevailed by the following vote: Yeas 24, Nays 6.

Yeas: Armbrister, Barrientos, Brooks, Brown, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Henderson, Johnson, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sibley, Tejeda, Truan, Turner, Zaffirini.

Nays: Bivins, Harris of Tarrant, Harris of Dallas, Krier, Leedom, Sims.

Absent-excused: Whitmire.

The bill was read second time and was passed to engrossment by a viva voce vote.

#### **MOTION TO PLACE COMMITTEE SUBSTITUTE SENATE BILL 888 ON THIRD READING**

Senator Johnson moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **C.S.S.B. 888** be placed on its third reading and final passage.

The motion was lost by the following vote: Yeas 23, Nays 7. (Not receiving four-fifths vote of Members present)

Yeas: Armbrister, Barrientos, Brooks, Brown, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Henderson, Johnson, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Tejeda, Truan, Turner, Zaffirini.

Nays: Bivins, Harris of Tarrant, Harris of Dallas, Krier, Leedom, Sibley, Sims.

Absent-excused: Whitmire.

(President in Chair)

#### **BILLS AND RESOLUTIONS SIGNED**

The President announced the signing in the presence of the Senate, after the captions had been read, the following enrolled bills and resolutions:

S.J.R. 15  
S.J.R. 34  
S.B. 42  
S.B. 80  
S.B. 85  
S.B. 148  
S.B. 382  
S.B. 408  
S.B. 542  
S.B. 573  
S.B. 583  
S.B. 643  
S.B. 679  
S.B. 738  
S.B. 773  
S.B. 880  
S.B. 934  
S.B. 944  
S.B. 993  
S.B. 1050  
S.B. 1054  
S.B. 1057  
S.B. 1108 (Signed subject to Art. III,  
Sec. 49a of the Constitution)  
S.B. 1149  
S.B. 1193  
S.B. 1220  
S.B. 1424  
S.B. 1460

#### **SENATOR ANNOUNCED PRESENT**

Senator Whitmire, who had previously been recorded as "Absent-excused," was announced "Present."

#### **HOUSE BILL 278 ON SECOND READING**

On motion of Senator Harris of Dallas and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**H.B. 278**, Relating to the authority and operation of certain business organizations which provide for limited liability.

The bill was read second time.

Senator Montford offered the following amendment to the bill:

Amend H.B. 278 by adding the following sections, appropriately numbered, immediately before the section containing the emergency clause and renumbering the subsequent sections appropriately:

SECTION 83. Section 2, Texas Uniform Partnership Act (Article 6132b, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 2. DEFINITION OF TERMS. In this Act, "Court" includes every court and judge having jurisdiction in the case.

"Business" includes every trade, occupation, or profession.

"Person" includes individuals, partnerships, corporations, and other associations.

"Bankrupt" includes bankrupt under the Federal Bankruptcy Act or insolvent under any State Insolvent Act.

"Conveyance" includes every assignment, lease, mortgage, or encumbrance.

"Real property" includes land and any interest or estate in land.

"Registered limited liability partnership" means a partnership registered under Section 45-A and complying with Sections 45-B and 45-C.

SECTION 84. Section 15, Texas Uniform Partnership Act (Article 6132b, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 15. NATURE OF PARTNER'S LIABILITY IN ORDINARY PARTNERSHIP AND IN REGISTERED LIMITED LIABILITY PARTNERSHIP. (1) Except as provided by paragraph (2) of this Section, all ~~all~~ partners are liable jointly and severally for all debts and obligations of the partnership including those under Sections 13 and 14.

(2) A partner in a registered limited liability partnership is not individually liable for debts and obligations of the partnership arising from errors, omissions, negligence, incompetence, or malfeasance committed in the course of the partnership business by another partner or a representative of the partnership not working under the supervision or direction of the first partner at the time the errors, omissions, negligence, incompetence, or malfeasance occurred, unless the first partner:

(a) was directly involved in the specific activity in which the errors, omissions, negligence, incompetence, or malfeasance were committed by the other partner or representative; or

(b) had notice or knowledge of the errors, omissions, negligence, incompetence, or malfeasance by the other partner or representative at the time of occurrence.

(3) Paragraph (2) does not affect the joint and several liability of a partner for debts and obligations of the partnership arising from any cause other than those specified in paragraph (2).

(4) Paragraph (2) does not affect the liability of partnership assets for partnership debts and obligations.

SECTION 85. The Texas Uniform Partnership Act (Article 6132b, Vernon's Texas Civil Statutes) is amended by adding Sections 45-A, 45-B, and 45-C to read as follows:

Sec. 45-A. REGISTERED LIMITED LIABILITY PARTNERSHIPS. (1) To become a registered limited liability partnership, a partnership must file with the secretary of state an application stating the name of the partnership, the address of its principal office, the number of partners, and a brief statement of the business in which the partnership engages.

(2) The application must be executed by a majority in interest of the partners or by one or more partners authorized by a majority in interest of the partners.

(3) The application must be accompanied by a fee of \$100 for each partner.

(4) The secretary of state shall register or renew any partnership that submits a completed application with the required fee.

(5) Registration is effective for one year after the date the registration is filed, unless voluntarily withdrawn by filing with the secretary of state a written withdrawal notice executed by a majority in interest of the partners or by one or more partners authorized by a majority in interest of the partners.

(6) The secretary of state may provide forms for application for or renewal of registration.

Sec. 45-B. NAME OF REGISTERED LIMITED LIABILITY PARTNERSHIPS. A registered limited liability partnership's name must contain the words "registered limited liability partnership" or the abbreviation "L.L.P." as the last words or letters of its name.

Sec. 45-C. INSURANCE OF REGISTERED LIMITED LIABILITY PARTNERSHIPS. A registered limited liability partnership must carry, if reasonably available, at least \$100,000 of liability insurance of a kind that is designed to cover the kinds of errors, omissions, negligence, incompetence, or malfeasance for which liability is limited by Section 15(2).

(2) If the registered limited liability partnership is in compliance with the requirements of subsection (1), the requirements of this section shall not be admissible nor in any way made known to the jury in determining the issue(s) of liability for or extent of the debt or obligation or damages in question.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Harris of Dallas and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading by a viva voce vote.

#### HOUSE BILL 278 ON THIRD READING

Senator Harris of Dallas moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that H.B. 278 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

#### SENATE BILL 1596 ON SECOND READING

Senator Turner asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**S.B. 1596**, Relating to procedures to reduce the backlog of convicted felons confined in county jails awaiting transfer to the institutional division of the Texas Department of Criminal Justice, to a performance payment program to counties that successfully divert offenders from confinement in the institutional division, to the composition of the Criminal Justice Policy Council and the Criminal Justice Coordinating Council, to the composition of community justice councils, to the award of time for good conduct, and to the repeal of certain statutes related to criminal offenses.

There was objection.

Senator Turner then moved to suspend the regular order of business and take up **S.B. 1596** for consideration at this time.

The motion prevailed by the following vote: Yeas 24, Nays 7.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Glasgow, Green, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Leedom, Lyon, Moncrief, Montford, Parker, Ratliff, Sibley, Sims, Truan, Turner.

Nays: Haley, Krier, Lucio, Rosson, Tejeda, Whitmire, Zaffirini.

The bill was read second time.

(Senator Glasgow in Chair)

Senator Turner offered the following substitute amendment for the bill:

**Floor Amendment No. 1**

Amend **S.B. 1596** by striking everything below the enacting clause and substituting the following:

**SECTION 1.** Chapter 499, Government Code, as revised by **S.B. 232**, Acts of the 72nd Legislature, Regular Session, 1991, is amended by adding Subchapter E to read as follows:

**SUBCHAPTER E. PROCEDURES FOR REDUCING COUNTY JAIL**

**BACKLOG**

**Sec. 499.091. LEGISLATIVE DECLARATION.** The legislature declares that until September 1, 1995, the institutional division has a duty to accept inmates only as provided by the allocation formula. On and after September 1, 1995, the institutional division has a duty to accept, not later than the 60th day after the date on which all processing required for transfer has been completed, each inmate confined in a county jail while under an order of commitment to the institutional division. The duties provided by this subchapter may be enforced by an action in mandamus.

**Sec. 499.092. TRANSFER OF FELONY BACKLOG.** (a) The Commission on Jail Standards shall analyze the population of each county jail monthly and determine the number of inmates confined in the jail who are awaiting transfer to the institutional division following conviction of a felony or revocation of probation, parole, or release on mandatory supervision and for whom all paperwork and processing required for transfer have been completed.

(b) If a state or federal court determines that because of inmate overcrowding a county has failed to provide a constitutionally safe and suitable jail, the commission shall furnish the sheriff with a list of qualified county jails or county detention centers, work camps, or related facilities to which inmates described by Subsection (a) may be transferred for confinement and, to the extent determined possible by the commission, shall order the county to transfer the inmates. Immediately on issuance of the commission's order, the sheriff shall transfer to a county jail that agrees to accept the inmates the number of inmates necessary to make the transferring county jail safe and suitable, as determined by the commission. The agreement must be in writing approved by the commissioners court and signed by the sheriffs of the counties transferring and receiving the inmates.

(c) The county transferring inmates under this section is liable for payment of the costs of transportation for, and maintenance of, transferred inmates, except as otherwise provided by this subchapter. The costs for maintenance of an inmate are the actual costs, as determined by the agreement. The costs shall be paid into the treasury of the county operating the jail receiving the inmates.

(d) If a county ordered to transfer inmates does not execute an agreement to transfer the inmates before the 31st day after the date the transfer order is made by the commission under Subsection (b), the commission shall order the inmates

transferred to a specific facility and determine the costs to be paid by the transferring county to the receiving county.

(e) After September 1, 1993, a county may not execute a contract to maintain inmates from another state or federal jurisdiction without first receiving the approval of the Commission on Jail Standards. The commission may not approve a contract unless the commission determines that the contract does not encumber space needed for the transfer of inmates described by Subsection (a).

(f) This section expires September 1, 1995.

Sec. 499.093. PAYMENT. (a) Not later than the 10th day after the effective date of this subchapter, the Commission on Jail Standards shall determine for each county jail in this state the number of inmates confined in the jail on April 1, 1991, who were awaiting transfer to the institutional division following conviction of a felony or revocation of probation, parole, or release on mandatory supervision, and for whom paperwork and processing required for transfer had been completed on that date.

(b) A county is entitled to payment from the Commission on Jail Standards as compensation to the county for confining the number of inmates determined as ready for transfer under Subsection (a) at a daily amount per inmate equal to the average daily cost of confining an inmate in the institutional division for the preceding fiscal year as determined by the board, except that as the institutional division accepts inmates from the county on and after April 1, 1991, the number of inmates for whom the county is entitled to payment is reduced by the number accepted by the division. On the date after April 1, 1991, that the institutional division has accepted a number of inmates from a county that is equal to the number of inmates determined as ready for transfer under Subsection (a), the county is no longer entitled to payment under this section.

Sec. 499.094. EMERGENCY OVERCROWDING RELIEF. (a) From the effective date of this subchapter until September 1, 1995, if a county or group of counties is denied admissions to the institutional division that the county or group of counties is scheduled to receive under the allocation formula, the Commission on Jail Standards quarterly shall pay to the county or group of counties, for each admission slot the county or group of counties is denied and for each day the slot is denied, a sum equal to the average daily cost of confining an inmate in the institutional division for the preceding fiscal year as determined by the board. A county or group of counties is not entitled to payment for costs incurred by the county after the earliest of the following dates:

(1) the date the state grants the county or group of counties all admissions that they are scheduled to receive under the formula;

(2) the 180th day after the date on which an admission slot is denied;

or

(3) the August 31st following the day on which an admission slot is denied.

(b) If the commission makes a payment under this section to a group of counties served by a community supervision and corrections department, the counties in the group shall divide the payment proportionally on the basis of the respective populations of the counties.

SECTION 2. Section 498.002, Government Code, as revised by S.B. 232, Acts of the 72nd Legislature, Regular Session, 1991, is amended to read as follows:

Sec. 498.002. CLASSIFICATION AND RECLASSIFICATION. [(a)] The institutional division shall classify each inmate as soon as practicable on the inmate's arrival at the division and, subject to the requirements of Section 498.005, shall reclassify the inmate as circumstances warrant. Each inmate must be classified according to the inmate's conduct, obedience, industry, and criminal history. The director of the institutional division shall maintain a record on each inmate showing

each classification and reclassification of the inmate with the date and reason for each classification or reclassification. The institutional division may classify each inmate on the inmate's arrival at the division in a time-earning category that does not allow the inmate to earn more than 30 days' good conduct time for each 30 days actually served.

~~[(b) On the direction of the board under Section 498.005, the institutional division shall classify each inmate on the inmate's arrival at the division in a time-earning category that does not allow the inmate to earn more than 20 days' good conduct time for each 30 days actually served. The institutional division may not reclassify an inmate to a higher time-earning classification unless the inmate has served 90 or more days at the classification immediately lower than the classification to which the inmate is to be reclassified, except that the division under rules adopted by the director of the institutional division may reclassify an inmate to trusty status before the inmate has served 90 days at the classification immediately lower than trusty status.]~~

SECTION 3. Section 498.005, Government Code, as revised by S.B. 232, Acts of the 72nd Legislature, Regular Session, 1991, is amended to read as follows:

Sec. 498.005. ANNUAL REVIEW OF CLASSIFICATION; RESTORATION OF GOOD TIME; RETROACTIVE AWARD OF GOOD TIME. At least annually, the board shall review the institutional division's rules relating to restoration of good conduct time that has been forfeited, the manner in which inmates are reclassified, and the manner in which additional good conduct time is awarded retroactively to inmates who have been reclassified. The board shall consider in its review whether the inmate overcrowding in the institutional division has decreased and whether it is necessary for purposes of decreasing overcrowding to classify inmates according to Section 498.002(a), to restore good conduct time under Section 498.004, or to award additional good conduct time retroactively to inmates who have been reclassified. ~~[If the board determines that overcrowding has decreased and it is not necessary to classify inmates according to Section 498.002(a); it shall order the institutional division to classify inmates according to Section 498.002(b).]~~ If the board determines that overcrowding has decreased and it is not necessary to restore good conduct time or award additional good conduct time, it shall direct the institutional division to discontinue those practices.

SECTION 4. Article 42.13, Code of Criminal Procedure, is amended by adding Section 13 to read as follows:

Sec. 13. PERFORMANCE REWARDS. (a) The board shall develop, adopt, and implement a performance rewards program to reward each county served by a department that successfully diverts offenders from confinement in the institutional division. In developing the program, the board shall consider relevant factors for each county served by a department. The factors shall include but are not limited to:

- (1) the personal bond utilization rate in the county;
- (2) the pretrial diversion rate in the county;
- (3) the deferred adjudication rate in the county;
- (4) the probation rate in the county;
- (5) the probation revocation rate in the county, with separate rates calculated for revocations based on technical grounds and revocations based on grounds other than technical;
- (6) the utilization rate of residential and nonresidential diversion programs in the county;
- (7) the institutional division commitment rate in the county;
- (8) the admission per index crimes rate in the county; and
- (9) the frequency with which and extent to which the county does not use all admissions to which the county is entitled under the allocation formula.



(b) On January 1 of each year, the division shall make a payment to a county served by a department on the basis of the performance record of the county during the previous year in diverting offenders from confinement in the institutional division, as documented by information requested by the division and provided by the department serving the county. Each department shall provide the information for each county served by the department in a format designed by the division and each county participating in the performance rewards program shall provide a plan, including a budget schedule, indicating to the division the manner in which the payment is to be used for each of the purposes described by Subsection (c) of this section. The division may reject the plan, accept the plan, or make acceptance of the plan conditional on modification of the plan and monitoring of the plan by the division.

(c) A county that receives a payment under this section shall use not less than 25 percent of the payment for substance abuse prevention and treatment programs for offenders and may use the remainder of the payment for:

(1) any purposes for which state aid may be used under Section 11(b) of this article;

(2) implementation of the community justice plan for that county; or

(3) any program serving the criminal justice needs in the county.

SECTION 5. Section 6(a), Article 42.13, Code of Criminal Procedure, is amended to read as follows:

(a) Beginning on September 1, 1991 [1990], the division shall require as a condition to payment of state aid to a department under Section 11 or Section 13 of this article and eligibility for payment of costs under Section 499.094, Government Code, that a community justice plan be submitted for the department. ~~The [If a]~~ community justice council ~~[serves the department, the council]~~ shall submit the plan required by this subsection. ~~[If a community justice council does not serve the department, the district judges managing the department shall submit the plan.]~~ A community justice council may not submit a plan under this section unless the plan is first approved by the district judges who manage the department served by the council. The council ~~[or judges]~~ shall submit a revised plan to the division each year by a date designated by the division.

SECTION 6. Subsections (b) and (c), Section 3, Article 42.131, Code of Criminal Procedure, are amended to read as follows:

(b) A ~~[As a prerequisite to establishing a community corrections facility under this section or a county correctional center under Subchapter H, Chapter 351, Local Government Code, a]~~ community justice council must be established by the district judge or judges in each jurisdiction served by a department, unless a board or council exists in the community on September 1, 1991, ~~[the effective date of this section]~~ that performs duties substantially similar to those imposed on a community justice council under this section. The council shall provide continuing policy guidance and direction for the development of criminal justice plans and community corrections facilities and programs. A council should consist of the following persons or their designees:

(1) a sheriff of a county to be served by the department [facility], chosen by the sheriffs of the counties to be served by the department [facility];

(2) a county commissioner or a county judge from a county to be served by the department [facility], chosen by the county commissioners and county judges of the counties to be served by the department [facility];

(3) a city council member of the most populous municipality in a county to be served by the department [facility], chosen by the members of the city councils of cities to be served by the department [facility];

(4) not more than two state legislators elected from a county to be served by the department [facility], chosen by the state legislators elected from the counties to be served by the department [facility];

(5) the presiding judge from a judicial district to be served by the department [facility], chosen by the district judges from the judicial districts to be served by the department [facility];

(6) a judge of a statutory county court exercising criminal jurisdiction in a county to be served by the department [facility], to be chosen by the judges of statutory county courts with criminal jurisdiction in the counties to be served by the department [facility];

(7) a county attorney with criminal jurisdiction from a county to be served by the department [facility], chosen by the county attorneys with criminal jurisdiction from the counties to be served by the department [facility];

(8) a district attorney or criminal district attorney from a judicial district to be served by the department [facility], chosen by the district attorneys or criminal district attorneys from the judicial districts to be served by the department [facility]; and

(9) an elected member of the board of trustees of an independent school district in a county to be served by the department [facility], chosen by the members of the boards of trustees of independent school districts located in counties to be served by the department [facility].

(c) The community justice council shall ~~should~~ appoint a community justice task force to provide support staff for the development of a community justice plan. The task force may consist of any number of members, but should include:

(1) the county or regional director of the Texas Department of Human Services with responsibility for the area to be served by the department [facility];

(2) the chief of police of the most populous municipality to be served by the department [facility];

(3) the chief juvenile probation officer of the juvenile probation office serving the most populous area to be served by the department [facility];

(4) the superintendent of the most populous school district to be served by the department [facility];

(5) the supervisor of the Department of Public Safety region closest to the department [facility], or the supervisor's designee;

(6) the county or regional director of the Texas Department of Mental Health and Mental Retardation with responsibility for the area to be served by the department [facility];

(7) a substance abuse treatment professional appointed by the Council of Governments serving the area to be served by the department [facility];

(8) the department chief of the department to be served by the department [facility];

(9) the local or regional representative of the Board of Pardons and Paroles Division with responsibility for the area to be served by the department [facility];

(10) the representative of the Texas Employment Commission with responsibility for the area to be served by the department [facility];

(11) the representative of the Texas Rehabilitation Commission with responsibility for the area to be served by the department [facility];

(12) a licensed attorney who practices in the area to be served by the department [facility] and whose practice consists primarily of criminal law; and

(13) a court administrator, if one serves the area to be served by the department [facility].

SECTION 7. Chapter 413, Government Code, is amended to read as follows:

#### CHAPTER 413. CRIMINAL JUSTICE POLICY COUNCIL

##### [AND COORDINATING COUNCILS]

Sec. 413.001. DEFINITIONS. In this chapter, "policy[":

(1) "Coordinating council" means the Criminal Justice Coordinating Council;

[(2) "Policy] council" means the Criminal Justice Policy Council];

[(3) "Council" means the Criminal Justice Coordinating Council or the Criminal Justice Policy Council].

Sec. 413.002. CRIMINAL JUSTICE POLICY COUNCIL. (a) The Criminal Justice Policy Council is an agency of the state.

(b) The membership of the policy council consists of:

(1) the governor, lieutenant governor, and speaker of the house of representatives;

(2) three [two] members of the senate appointed by the lieutenant governor;

(3) three [two] members of the house of representatives appointed by the speaker; and

(4) six [four] members appointed by the governor, one of whom must be a district judge, one of whom must be a district attorney or criminal district attorney, one of whom must be a county judge, one of whom must be a county sheriff, and one of whom must be a county commissioner.

[Sec. 413.003. CRIMINAL JUSTICE COORDINATING COUNCIL. (a) The Criminal Justice Coordinating Council is an agency of the state:

[(b) The coordinating council consists of:

[(1) the director of the Texas Department of Corrections;

[(2) the executive director of the Texas Adult Probation Commission;

[(3) the executive director of the Board of Pardons and Paroles;

[(4) the executive director of the Texas Judicial Council;

[(5) the executive director of the Commission on Jail Standards;

[(6) the director of the Department of Public Safety;

[(7) the executive director of the criminal justice division of the governor's office;

[(8) the executive director of the Texas Youth Commission;

[(9) the executive director of the Texas Juvenile Probation Commission;

[(10) the executive director of the Commission on Law Enforcement Officer Standards and Education; and

[(11) three public members, one each appointed by the governor, lieutenant governor, and speaker of the house of representatives.]

Sec. 413.003 [413.004]. APPLICATION OF SUNSET ACT. [(a)] The policy council is subject to the Texas Sunset Act (Chapter 325). Unless continued in existence as provided by that Act, the council is abolished September 1, 1993.

[(b) The coordinating council is subject to the Texas Sunset Act (Chapter 325). Unless continued in existence as provided by that Act, the council is abolished September 1, 1993.]

Sec. 413.004 [413.005]. TENURE OF APPOINTED MEMBER. An appointed member of the policy [a] council serves at the pleasure of the appointing officer.

Sec. 413.005 [413.006]. SERVICE ADDITIONAL DUTY OF OFFICE. Service on the policy [a] council of a public officer or employee is an additional duty of the office or employment.

Sec. 413.006 [413.007]. COMPENSATION AND REIMBURSEMENT. A member of the policy [a] council serves without compensation for service on the council but is entitled to reimbursement for actual and necessary expenses incurred in performing council duties.

Sec. 413.007 [413.008]. [ADVISORY FUNCTION OF COORDINATING COUNCIL.] APPOINTMENT OF OTHER ADVISORY BODIES. [(a) The coordinating council acts in an advisory capacity to the policy council.

[(b)] The policy council may establish other advisory councils, task forces, or commissions it considers necessary to accomplish the purposes of this chapter.

Sec. 413.008 [413.009]. GENERAL DUTY OF POLICY COUNCIL [COUNCILS]. The policy council [councils] shall develop means to promote a more effective and cohesive state criminal justice system.

Sec. 413.009 [413.010]. DUTIES OF POLICY COUNCIL. To accomplish its duties the policy council shall:

- (1) conduct an in-depth analysis of the criminal justice system;
- (2) determine the long-range needs of the criminal justice system and recommend policy priorities for the system;
- (3) identify critical problems in the criminal justice system and recommend strategies to solve those problems;
- (4) assess the cost-effectiveness of the use of state and local funds in the criminal justice system;
- (5) recommend the goals, priorities, and standards for the allocation of criminal justice planning funds administered by the criminal justice division;
- (6) recommend means to improve the deterrent and rehabilitative capabilities of the criminal justice system;
- (7) advise and assist the legislature in developing plans, programs, and proposed legislation for improving the effectiveness of the criminal justice system;
- (8) ~~guide the coordinating council;~~
- [(9)] make computations of daily costs and compare interagency costs on services provided by agencies that are a part of the criminal justice system;
- (9) [(10)] make population computations for use in planning for the long-range needs of the criminal justice system;
- (10) [(11)] determine long-range information needs of the criminal justice system and acquire that information; [and]
- (11) [(12)] engage in other activities consistent with the responsibilities of the policy council; and
- (12) implement the criminal justice credit system.

~~[Sec. 413.011. — DUTIES OF COORDINATING COUNCIL. To accomplish its duties the coordinating council shall:~~

- ~~[(1) recommend to the policy council means to improve the organization and management of the criminal justice system;~~
- ~~[(2) examine and evaluate information collection systems used by state criminal justice agencies and recommend means to improve the usefulness, comprehensiveness, and accuracy of information collection;~~
- ~~[(3) develop a statistical model of the criminal justice system that:~~
  - ~~[(A) reflects workload demands on and the performance of state and local agency components of the system; and~~
  - ~~[(B) has the capacity to predict the impact of changes in the system on the separate components;~~
- ~~[(4) assist the policy council in the performance of its duties;~~
- ~~[(5) implement those policy recommendations of the policy council that are administrative in nature;~~
- ~~[(6) coordinate those solutions to criminal justice system problems that require interagency cooperation; and~~
- ~~[(7) engage in other activities consistent with the responsibilities of the coordinating council.]~~

Sec. 413.010 [413.012]. PRESIDING OFFICERS. The governor is the chairman of the policy council. The lieutenant governor is the vice-chairman and presides at meetings in the governor's absence. The speaker of the house of representatives presides at meetings when both the governor and lieutenant governor are absent.

Sec. 413.011 ~~[413.013]~~. MEETINGS. The policy ~~[Each]~~ council shall meet at least quarterly and at the call of its chairman.

~~[Sec. 413.014. SUBCOMMITTEES OF COORDINATING COUNCIL. The coordinating council may form subcommittees to accomplish specific tasks.]~~

Sec. 413.012 ~~[413.015]~~. CONTRACTUAL AUTHORITY. (a) The policy council may contract with public or private entities in the performance of its responsibilities.

(b) The policy council may contract with the criminal justice center at Sam Houston State University to provide information important to the work of either council.

Sec. 413.013 ~~[413.016]~~. GRANTS AND DONATIONS. The policy council may accept grants and donations from public and private entities in addition to legislative appropriations.

Sec. 413.014 ~~[413.017]~~. EXECUTIVE DIRECTOR; STAFF. (a) The policy council may employ an executive director to perform duties necessary to the proper functioning of the policy council ~~[both councils. The executive director is the chairman of the coordinating council]~~.

(b) The executive director is appointed by the governor with the advice and consent of the senate. The executive director may not work for any agency or office of the state other than the policy council and may not perform duties for any other state agency or office that negatively affect the performance of the executive director's duties as executive director of the policy council.

(c) The executive director may employ personnel necessary to administer the responsibilities of the policy council ~~[councils]~~.

Sec. 413.015 ~~[413.018]~~. CRIMINAL JUSTICE PLAN; ANNUAL REPORT. (a) The policy council annually shall submit to the legislature a plan detailing the actions necessary to promote an effective and cohesive criminal justice system.

(b) The policy council shall include in the plan a report of its activities and the recommendations it makes under Section 413.009 ~~[413.010]~~.

Sec. 413.016 ~~[413.019]~~. STATISTICAL ANALYSIS CENTER. The policy council shall serve as the statistical analysis center for the state and as the liaison for the state to the United States Department of Justice on criminal justice issues of interest to the state and federal government relating to data, information systems, and research.

Sec. 413.017 ~~[413.020]~~. SPECIAL PROJECTS ~~[PRODUCTS]~~. (a) Before January 1, 1991, the policy council shall prepare and report to the legislature:

(1) a design for conducting a comprehensive study of sentencing patterns and practices in this state;

(2) an evaluation of formulas for the fair and equitable allocation of prison beds to local jurisdictions;

(3) a study that develops uniform definitions of the terms "recidivism" and "revocation rate"; and

(4) an examination of the reporting requirements imposed by the state on municipal, county, and district clerk offices and justices of the peace offices that relate to criminal justice system processing, with recommendations relating to the consolidation, simplification, or elimination of requirements where appropriate.

(b) The design prepared under Subsection (a)(1) must include:

(1) a statement of the specific objectives of the comprehensive study;

(2) methodology;

(3) schedules for the study;

(4) a description of the resources necessary for the study; and

(5) two pilot sampling programs, capable of testing the design.

(c) This section expires January 1, 1992.

Sec. 413.018. CRIMINAL JUSTICE CREDIT SYSTEM. (a) Not later than September 1 of each year, the policy council shall prepare and distribute to each district court with criminal jurisdiction a criminal justice credit system formula.

(b) The formula shall be based on the estimated institutional division commitments, probation commitments, and diversion program commitments available in the state criminal justice system for the next fiscal year.

(c) The formula shall fairly and equitably distribute to each district court a proportionate share of the estimated commitments available for the next fiscal year.

(d) On or before the fifth day of each calendar quarter, the district clerk shall file with the policy council a report stating the number of persons sentenced to each type of commitment from each district court served by the clerk, along with any other information requested by the policy council. The reporting requirement imposed by this subsection expires on the date the policy council certifies that Chapter 60, Code of Criminal Procedure, has been implemented, and that the information can more efficiently be collected under the system established under that chapter.

(e) If the monthly report indicates that a district court is exceeding its proportionate share of commitments, the judge of that court shall submit a written explanation with the report.

(f) After August 31, 1993, the policy council shall notify the Texas Department of Criminal Justice if the policy council determines that a district court or district courts served by a community supervision and corrections department have failed to comply with the criminal justice credit system formula. The Texas Department of Criminal Justice, on the receipt of notice under this subsection, shall suspend all or part of payment to the community supervision and corrections department under Section 11, Article 42.13, Code of Criminal Procedure, all or part of a payment to the county under Subchapter B, Chapter 499, and all or part of a payment to the county under Subchapter E, Chapter 499.

SECTION 8. Effective September 1, 1993, the Penal Code is repealed.

SECTION 9. Effective September 1, 1993, Articles 42.12 and 42.18, Code of Criminal Procedure, are repealed.

SECTION 10. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The substitute amendment was read.

Question—Shall Floor Amendment No. 1 be adopted?

#### SENATE RULE 11.11 SUSPENDED

On motion of Senator Haley and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Administration might meet today to consider bills for the Local and Uncontested Bills Calendar.

#### ESCORT COMMITTEE APPOINTED

In accordance with the provisions of H.C.R. 218, the Presiding Officer announced the appointment of the following as a Committee to Escort Her Majesty Queen Elizabeth II to the Joint Session: Senators Truan, Montford, Parker, Johnson, Harris of Dallas.

**MOTION TO RECESS**

On motion of Senator Brooks and by unanimous consent, the Senate agreed to stand recessed until 2:30 p.m. today following the conclusion of the Joint Session for Her Majesty Queen Elizabeth II.

**JOINT SESSION**

(In honor of Her Majesty Queen Elizabeth II and His Royal Highness the Duke of Edinburgh)

The President Pro Tempore announced the time had arrived for the Joint Session in honor of Her Majesty Queen Elizabeth II, pursuant to the provisions of H.C.R. 218.

The Senators, escorted by the Secretary of the Senate and the Sergeant-at-Arms, proceeded to the Hall of the House of Representatives.

The Senators were admitted and escorted to seats prepared for them along the aisle.

Her Majesty Queen Elizabeth II and His Royal Highness the Duke of Edinburgh and their party were announced by the Doorkeeper of the House.

The Queen's party was escorted to the President's Rostrum by Senators Truan, Montford, Parker, Johnson and Harris of Dallas on the part of the Senate and Representatives Delco, Berlanga, Finnell, A. Smith and S. Turner on the part of the House.

The Honorable Gib Lewis, Speaker of the House of Representatives, called the House to order and announced a quorum of the House present.

The President called the Senate to order, announced a quorum of the Senate present and stated the purpose of the Joint Session.

The President then presented the Honorable Ann W. Richards, Governor of the State of Texas, and His Royal Highness the Duke of Edinburgh.

**HOUSE CONCURRENT RESOLUTION 193**

The Speaker of the House laid out the following resolution:

WHEREAS, Her Majesty Queen Elizabeth II is internationally recognized as one of the most successful and respected monarchs ever to grace the British throne; and

WHEREAS, Since her coronation in 1953, Her Majesty The Queen has continued and strengthened the reputation for responsibility established by her father, King George VI, and has completed the monarchy's transition to modern times with consummate dignity and graciousness; and

WHEREAS, Known as a serious and informed participant in world and international affairs, Her Majesty The Queen has served as a distinguished ambassador for her country, ably representing British interests and culture to nations around the world; and

WHEREAS, Throughout her reign, this well-loved monarch has symbolized the soul and substance of the British empire, earning the highest regard not only of her own people, but of countless American citizens as well; and

WHEREAS, The shared language and heritage of our country and that of the United Kingdom join these two nations in a unique bond that holds promise for the citizens of both lands; and

WHEREAS, The visit by Her Majesty The Queen to the United States is indeed an appropriate occasion to renew the ties of friendship and custom that unite our two countries and to express our deepest admiration for Her Majesty Queen Elizabeth II and for the nation she so splendidly represents; now, therefore, be it

RESOLVED, That the 72nd Legislature of the State of Texas hereby welcome Her Majesty Queen Elizabeth II to the State of Texas on the occasion of her visit to the United States and extend warmest best wishes for a pleasant and rewarding stay; and, be it further

RESOLVED, That an official copy of this resolution be prepared for Her Majesty The Queen as an expression of highest esteem by the members of the Texas House of Representatives and Senate.

An enrolled copy of the resolution, previously adopted by the Senate and the House, was presented to Her Majesty by the Speaker of the House.

The President, on behalf of the Texas Senate and the citizens of the State of Texas, presented to Her Majesty the Queen a ceremonial gavel as a token of the State's high esteem for her.

The Speaker of the House of Representatives, the Honorable Gib Lewis, on behalf of the House of Representatives and the citizens of the State of Texas, presented to Her Majesty the Queen a book of the history of the Capitol, a Texas flag, and for her grandchildren, several pairs of cowboy boots.

The Honorable Gib Lewis then presented Her Majesty Queen Elizabeth II.

Her Majesty the Queen addressed the Joint Session briefly, thanking the Texas Senate, the House of Representatives and the citizens of the State of Texas for their gifts and hospitality.

The President announced the purpose of the Joint Session had been accomplished and declared at 2:05 p.m. that the Senate would stand recessed until 2:30 p.m. today, in accordance with a motion previously adopted by the Senate.

#### AFTER RECESS

The Senate met at 2:30 p.m. and was called to order by the President.

#### AT EASE

The President at 2:30 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

#### IN LEGISLATIVE SESSION

The President at 2:33 p.m. called the Senate to order as In Legislative Session.

#### SENATE BILL 1596 ON SECOND READING

The Senate resumed consideration of S.B. 1596 on its second reading and passage to engrossment.

Question—Shall Floor Amendment No. 1 be adopted?

Senator Turner offered the following amendment to Floor Amendment No. 1:

#### Floor Amendment No. 2

Amend the substitute amendment for S.B. 1596 in Section 7 of the substitute by striking Sections 413.017 and 413.018 (the last two sections of Chapter 413 as amended in that section) and substituting new Sections 413.017 and 413.018 to read as follows:

Sec. 413.017 [413.020]. SPECIAL PROJECTS [PRODUCTS]. (a) Before January 1, 1991, the policy council shall prepare and report to the legislature:

(1) a design for conducting a comprehensive study of sentencing patterns and practices in this state;

(2) an evaluation of formulas for the fair and equitable allocation of prison beds to local jurisdictions;

(3) a study that develops uniform definitions of the terms "recidivism" and "revocation rate"; and



(4) an examination of the reporting requirements imposed by the state on municipal, county, and district clerk offices and justices of the peace offices that relate to criminal justice system processing, with recommendations relating to the consolidation, simplification, or elimination of requirements where appropriate.

(b) The design prepared under Subsection (a)(1) must include:

- (1) a statement of the specific objectives of the comprehensive study;
- (2) methodology;
- (3) schedules for the study;
- (4) a description of the resources necessary for the study; and
- (5) two pilot sampling programs, capable of testing the design.

(c) Before January 1, 1993, the policy council shall prepare a study on and report to the legislature about statewide sentencing dynamics. The report must include a detailed profile of felons sentenced to the institutional division and felons placed on probation. The policy council shall design the study to provide the legislature with information necessary to perform a proper revision of the Penal Code and statutes relating to sentencing in criminal cases [This section expires January 1, 1992].

Sec. 413.018. CRIMINAL JUSTICE DATA REPORT. (a) Not later than September 1, 1992, the policy council shall prepare for and distribute to each district court in this state with felony jurisdiction a data collection report form.

(b) The policy council shall design the data collection report form to collect all information relevant to a sentence in a felony case or to a pretrial diversion or grant of deferred adjudication in a felony case as well as any other information determined necessary by the policy council.

(c) The attorney representing the state shall complete the data collection report for each felony conviction in which the defendant is sentenced to the institutional division of the Texas Department of Criminal Justice and shall include a copy of the data collection report in the documents sent to the division under Article 42.09, Code of Criminal Procedure. In any disposition of a felony case that does not include confinement in the institutional division, the attorney representing the state shall send a copy of the report to the community supervision and corrections department serving the court.

(d) If a sentence in a criminal case is imposed pursuant to a plea bargain, the attorney representing the state shall include that information in the data collection report.

The amendment was read and was adopted by a viva voce vote.

Senator Turner offered the following amendment to Floor Amendment No. 1:

**Floor Amendment No. 3**

Amend the substitute amendment for S.B. 1596 by adding a new section to read as follows:

SECTION \_\_\_\_ Amend Section 42.09, Section 8(a), Code of Criminal Procedure by adding subsection (10) as follows:

(10) A copy of the Criminal Justice Data Report, prepared under Section 413.018 of the Government Code.

The amendment was read and was adopted by a viva voce vote.

Senator Turner offered the following amendment to Floor Amendment No. 1:

**Floor Amendment No. 4**

Amend the substitute amendment for S.B. 1596 by adding an appropriately numbered section to read as follows and renumbering the existing sections accordingly:

SECTION \_\_\_\_ Chapter 24, Tax Code, is amended by adding Section 24.044 to read as follows:

Sec. 24.044. EFFECTIVE TAX RATE AND ROLLBACK RATE FOR COUNTY RECEIVING JAIL BACKLOG COMPENSATION. (a) For a tax year after a tax year in which a county receives reimbursement from the state in satisfaction of a judgment for the cost of confining convicted felons, if the amount received exceeds the amount received by the county for the same purpose in the tax year prior to the previous tax year, the designated office or employee shall subtract from the effective tax rate and the rollback rate of a county the rate expressed in dollars for each \$100 of taxable value determined according to the following formula:

RATE DEDUCTION — FELONY BACKLOG COMPENSATION  
TOTAL CURRENT VALUE

where “felony backlog compensation” means the amount received by the county in the previous tax year as payment from the state in satisfaction of a judgment in a suit in which the county receives reimbursement for the cost of confining convicted felons reduced by the amount the county received for the same purpose in the tax year prior to the previous tax year.

(b) For a tax year after a tax year in which a county receives reimbursement from the state in satisfaction of a judgment for the cost of confining convicted felons, if the amount received is less than the amount received by the county for the same purpose in the tax year prior to the previous tax year, the designated office or employee shall add to the effective tax rate and the rollback rate of the county the rate expressed in dollars for each \$100 of taxable value determined according to the following formula:

RATE ADDITION — JAIL BACKLOG COMPENSATION  
TOTAL CURRENT VALUE

where “jail backlog compensation” means the amount received by the county in the tax year prior to the previous tax year from the state in satisfaction of a judgment in a suit in which the county receives reimbursement for the cost of confining convicted felons reduced by the amount the county received for the same purpose in the previous tax year.

The amendment was read.

On motion of Senator Turner and by unanimous consent, the amendment was withdrawn.

Senator Turner offered the following amendment to Floor Amendment No. 1:

**Floor Amendment No. 5**

Amend the substitute amendment for S.B. 1596 by adding the following appropriately numbered section to read as follows and renumbering the existing sections accordingly:

SECTION \_\_\_\_ (a) Subchapter A, Chapter 22, Government Code, is amended by adding Section 22.012 to read as follows:

Sec. 22.012. TRAINING RELATED TO DIVERSIONS. (a) Each attorney representing the state in the prosecution of felonies and each district court judge shall, as an official duty, each year complete a course of instruction related to the diversion of offenders from confinement in the institutional division.

(b) The supreme court shall provide the training required by Subsection (a). In adopting the rules, the supreme court shall consult with the Texas Department of

Criminal Justice to obtain the department's recommendations for instruction content.

(c) The instruction must include information relating to:

(1) case law, statutory law, and procedural rules relating to felony diversions; and

(3) available community and state resources for diversions.

(b) The change in law made by this section applies to training for judges and prosecutors to be completed for calendar years beginning on or after January 1, 1992.

The amendment was read and was adopted by a viva voce vote.

Senator Turner offered the following amendment to Floor Amendment No. 1:

**Floor Amendment No. 6**

Amend the substitute amendment for S.B. 1596 in Section 4 of the substitute, in Section 13(b) of Article 42.13, between the first and second sentences of Section 13(b), by inserting:

The minimum payment under this section to an eligible county that participates in the performance reward program is \$50,000.

The amendment was read and was adopted by a viva voce vote.

Senator Turner offered the following amendment to Floor Amendment No. 1:

**Floor Amendment No. 7**

Amend the substitute amendment for S.B. 1596, in Section 1 of the substitute, by striking Section 499.094, as added by that section, and substituting a new Section 499.094 to read as follows:

Sec. 499.094. EMERGENCY OVERCROWDING RELIEF. (a) From the effective date of this subchapter until September 1, 1993, for each month in which the number of inmates confined in a county jail awaiting transfer to the institutional division following conviction of a felony or revocation of probation, parole, or release on mandatory supervision and for whom paperwork and processing required for transfer has been completed, as determined under Section 499.092, is greater than the number of inmates confined in the jail on April 1, 1991, as determined under Section 499.093, the Commission on Jail Standards shall pay to the county for each inmate in excess of the April 1, 1991, number for each day of confinement:

(1) one-half of the operational cost to the county of confining the inmate, as determined by the commission, if the county actually confines the inmate, but in no event more than \$20; or

(2) one-half of the cost for which the county is liable to another county for confining the inmate, if the inmate is transferred to another facility under Section 499.092, but in no event more than \$20.

The amendment was read and was adopted by a viva voce vote.

Senator Brooks offered the following amendment to Floor Amendment No. 1:

**Floor Amendment No. 8**

Amend the substitute amendment for S.B. 1596 by adding new SECTIONS 8 and 9 to read as follows:

SECTION 8. Effective September 1, 1991, Section 6, Article 42.18, Code of Criminal Procedure, is amended to read as follows:

Sec. 6. COMPENSATION AND OFFICES OF BOARD MEMBERS; EXECUTIVE COMMITTEE; DIRECTOR. (a) The members of the board shall give full time to the duties of their office and shall be paid such salaries as the legislature may determine in appropriation Acts. The governor shall designate one

member to serve as chairman of the board, and the chairman serves in that capacity at the pleasure of the governor.

(b) The governor shall designate two members of the board to serve with the chairman as the executive committee of the members of the Board of Pardons and Paroles. The members of the executive committee serve in that capacity at the pleasure of the governor. The chairman and the members of the executive committee shall maintain an office and perform their duties in Austin. The executive committee shall perform the duties required by Section 7(g) of this article.

(c) The chairman of the board shall designate various locations across the state at which members of the board are required to maintain offices and perform their duties, designating members to serve in particular locations so as to balance the work load of the board and implement the orderly administration of its duties.

(d) The executive committee [director] of the Board of Pardons and Paroles [Texas Department of Criminal Justice] shall hire the director. The director is responsible for the day-to-day administration of the pardons and paroles division and the executive committee is responsible for the day-to-day administration of the board, including preparation of and execution of the budget for the board.

SECTION 9. Effective September 1, 1991, Section 7, Article 42.18, Code of Criminal Procedure, is amended by adding Subsection (g) to read as follows:

(g) In addition to performing the duties required by Subsection (a) of this section, the members of the executive committee of the Board of Pardons and Paroles shall review protests and disciplinary cases and supervise special reviews required by overcrowding in the institutional division. Members of the executive committee must interview inmates at their units of assignment at least two days each month.

Renumber SECTIONs 8, 9, and 10.

BROOKS  
MONTFORD

The amendment was read.

(Senator Armbrister in Chair)

Senator Lyon offered the following substitute amendment for Floor Amendment No. 8:

**Floor Amendment No. 8a**

Amend Floor Amendment No. 8 to S.B. 1596 by substituting the following in lieu thereof:

SECTION 8. Effective September 1, 1991, Section 6, Article 42.18, Code of Criminal Procedure, is amended to read as follows:

Sec. 6. COMPENSATION AND OFFICES OF BOARD MEMBERS; EXECUTIVE COMMITTEE; DIRECTOR. (a) The members of the board shall give full time to the duties of their office and shall be paid such salaries as the legislature may determine in appropriation Acts. The governor shall designate one member to serve as chairman of the board, and the chairman serves in that capacity at the pleasure of the governor.

(b) The governor shall designate two members of the board to serve with the chairman as the executive committee of the members of the Board of Pardons and Paroles. The members of the executive committee serve in that capacity at the pleasure of the governor. The chairman and the members of the executive committee shall maintain an office and perform their duties in Austin. The executive committee shall perform the duties required by Section 7(g) of this article.

(c) The chairman of the board shall designate various locations across the state at which members of the board are required to maintain offices and perform their duties, designating members to serve in particular locations so as to balance the work load of the board and implement the orderly administration of its duties.

(d) The executive committee [director] of the Board of Pardons and Paroles [Texas Department of Criminal Justice] shall hire the director. The director is responsible for the day-to-day administration of the pardons and paroles division.

SECTION 9. Effective September 1, 1991, Section 7, Article 42.18, Code of Criminal Procedure, is amended by adding Subsection (g) to read as follows:

(g) In addition to performing the duties required by Subsection (a) of this section, the members of the executive committee of the Board of Pardons and Paroles shall review protests and disciplinary cases and supervise special reviews required by overcrowding in the institutional division. Members of the executive committee must interview inmates at their units of assignment at least two days each month.

Renumber SECTIONS 8, 9, and 10.

The amendment was read.

On motion of Senator Lyon and by unanimous consent, the substitute amendment for Floor Amendment No. 8 was withdrawn.

On motion of Senator Montford and by unanimous consent, Floor Amendment No. 8 was withdrawn.

Senator Brooks offered the following amendment to Floor Amendment No. 1:  
**Floor Amendment No. 8b**

Amend the substitute amendment for S.B. 1596 by adding new SECTIONS 8 and 9 to read as follows:

SECTION 8. Effective September 1, 1991, Section 6, Article 42.18, Code of Criminal Procedure, is amended to read as follows:

Sec. 6. COMPENSATION AND OFFICES OF BOARD MEMBERS; EXECUTIVE COMMITTEE; DIRECTOR. (a) The members of the board shall give full time to the duties of their office and shall be paid such salaries as the legislature may determine in appropriation Acts. The governor shall designate one member to serve as chairman of the board, and the chairman serves in that capacity at the pleasure of the governor.

(b) The governor shall designate two members of the board to serve with the chairman as the executive committee of the members of the Board of Pardons and Paroles. The members of the executive committee serve in that capacity at the pleasure of the governor. The chairman and the members of the executive committee shall maintain an office and perform their duties in Austin. The executive committee shall perform the duties required by Section 7(g) of this article.

(c) The chairman of the board shall designate various locations across the state at which members of the board are required to maintain offices and perform their duties, designating members to serve in particular locations so as to balance the work load of the board and implement the orderly administration of its duties.

(d) The executive committee [director] of the Board of Pardons and Paroles [Texas Department of Criminal Justice] shall hire the director. The director is responsible for the day-to-day administration of the pardons and paroles division and the executive committee is responsible for the administration of the board.

SECTION 9. Effective September 1, 1991, Section 7, Article 42.18, Code of Criminal Procedure, is amended by adding Subsection (g) to read as follows:

(g) In addition to performing the duties required by Subsection (a) of this section, the members of the executive committee of the Board of Pardons and Paroles shall review protests and disciplinary cases and supervise special reviews

required by overcrowding in the institutional division. Members of the executive committee must interview inmates at their units of assignment at least two days each month.

Renumber SECTIONS 8, 9, and 10.

BROOKS  
MONTFORD  
LYON

The amendment was read and was adopted by a viva voce vote.

Senator Leedom offered the following amendment to Floor Amendment No. 1:

**Floor Amendment No. 9**

Amend the substitute amendment for S.B. 1596 by adding a new SECTION 10 and renumbering the remaining sections accordingly as follows:

SECTION 10. The Criminal Justice Policy Council shall investigate the desirability of contracting with one or more foreign governments for the placement of prisoners from the institutional division of the Texas Department of Criminal Justice for confinement within the jurisdiction of that government. The policy council shall report its finding not later than December 31, 1992 for consideration by the 73rd Legislature based upon its considerations of the feasibility, cost-benefits, humaneness, deterrent or rehabilitative potential, the ability of the government to guarantee that the correctional facilities and operational standards will meet requirements of state and federal mandates, access to and supervision by Texas Department of Corrections personnel, or any other relevant criminal justice or corrections value.

The amendment was read.

On motion of Senator Turner, the amendment was tabled by the following vote: Yeas 19, Nays 10.

Yeas: Armbrister, Barrientos, Brooks, Carriker, Dickson, Ellis, Green, Haley, Henderson, Johnson, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sibley, Truan, Turner.

Nays: Bivins, Brown, Harris of Tarrant, Krier, Leedom, Lucio, Sims, Tejeda, Whitmire, Zaffirini.

Absent: Glasgow, Harris of Dallas.

Senator Brown offered the following amendment to Floor Amendment No. 1:

**Floor Amendment No. 10**

1. Amend the substitute amendment for S.B. 1596 by striking all language on lines 17-24 on page 1, all language on page 2, and all language on lines 1-7 on page 3.

2. Renumber all sections as appropriate.

BROWN  
GREEN

The amendment was read.

Senator Turner moved to table the amendment.

On motion of Senator Brown and by unanimous consent, the amendment was withdrawn.

On motion of Senator Turner and by unanimous consent, the motion to table was withdrawn.

Senator Brown offered the following amendment to Floor Amendment No. 1:

**Floor Amendment No. 11**

Amend the substitute amendment for S.B. 1596 by striking all language on line 27 of page 2 and substituting the following:

"transferring county and the state to the receiving county. The costs shall be divided equally between the transferring county and the state."

BROWN  
GREEN

The amendment was read.

On motion of Senator Brown and by unanimous consent, the amendment was withdrawn.

Senator Green offered the following amendment to Floor Amendment No. 1:

**Floor Amendment No. 12**

Amend the substitute amendment for S.B. 1596 as follows:

Add the following appropriately numbered section and renumber subsequent sections accordingly:

SECTION \_\_\_\_ Article 42.18, Code of Criminal Procedure, is amended by adding Section 8A to read as follows:

Sec. 8A. (a) In addition to other conditions imposed by a parole panel under this article, a parole panel may require a defendant to reside in a particular county after considering whether the defendant's residence in the particular county is necessary to:

(1) protect the life or safety of a victim of the defendant's offense, the defendant, a witness in the case, or any other person; or

(2) increase the likelihood of the defendant's successful completion of parole or mandatory supervision, because of:

(A) the defendant's residence in the other county before the offense was committed, the presence of family in the other county that would give support to the defendant, or the verified existence of a job offer in the other county.

(b) At any time after a defendant is released on parole or mandatory supervision, a parole panel may modify the conditions of parole or release on mandatory supervision to require the defendant to reside in a county other than the county required by the original conditions. In making a decision under this subsection, a parole panel must consider the factors listed in Subsection (a) of this section.

(c) If a parole panel required the defendant to reside in a county other than the county in which the offense for which the defendant was sentenced to the institutional division occurred, the panel shall state the reason for its decision in writing and place the statement in the defendant's permanent record.

(d) This section does not apply to a decision by a parole panel to require a defendant to serve the period of parole or mandatory supervision in another state.

The amendment was read and was adopted by a viva voce vote.

(Senator Lyon in Chair)

Senator Dickson offered the following amendment to Floor Amendment No. 1:

**Floor Amendment No. 13**

Amend the substitute amendment for S.B. 1596 by striking the following in Section 2:

“The institutional division may classify each inmate on the inmate’s arrival at the division in a time-earning category that does not allow the inmate to earn more than 30 days’ good conduct time for each 30 days actually served.”

The amendment was read.

On motion of Senator Dickson and by unanimous consent, the amendment was withdrawn.

Senator Turner offered the following amendment to Floor Amendment No. 1:  
**Floor Amendment No. 14**

Amend the substitute amendment for S.B. 1596 by adding an appropriately numbered section to read as follows and by renumbering the existing sections accordingly:

SECTION \_\_\_\_ Chapter 26, Tax Code, is amended by adding Section 26.044 to read as follows:

Sec. 26.044. ROLLBACK RATE RELIEF TO PAY FOR NEW STATE MANDATE. (a) The first time that a taxing unit adopts a tax rate after the first year in which a state criminal justice mandate applies to the unit, the rollback rate for the unit is increased by the rate that, if applied to the total current value, would impose an amount of taxes equal to the amount the unit spent to comply with the state criminal justice mandate in the first year of its application to the unit. The taxing unit shall include a notice of the increase in the rollback rate provided by this section, including a description of the state criminal justice mandate and a brief explanation of the amount spent to comply with the mandate in the first year, in the information published under Section 26.04(e) or in the notice of the meeting of the governing body to adopt the tax rate.

(b) In this section, “state criminal justice mandate” means a requirement imposed by state statute or state agency rule that requires a taxing unit to implement a criminal justice program or carry out a criminal justice function that:

(1) the unit did not implement or carry out before the application of the statute or rule to the unit; and

(2) the unit would not be required to implement or carry out in the absence of the statute or rule.

The amendment was read and was adopted by a viva voce vote.

(Senator Harris of Dallas in Chair)

Senator Krier offered the following amendment to Floor Amendment No. 1:  
**Floor Amendment No. 15**

Amend the substitute amendment for S.B. 1596 by adding a new section of the bill to read as follows and by renumbering current sections accordingly:

SECTION \_\_\_\_ Notwithstanding any other section or provision of this Act, this Act does not take effect unless the County of Nueces et al v. Texas Board of Corrections et al in the 250th Judicial District Court of Travis County, Texas, Cause No. 452,071 and Harris County, Texas v. the State of Texas, et al in the 126th District Court of Travis County, Texas, Cause No. 475,468 are settled on or before May 27, 1991.

The amendment was read and was adopted by a viva voce vote.

Question recurring on the adoption of Floor Amendment No. 1 as amended, the substitute amendment as amended was adopted by a viva voce vote.



On motion of Senator Turner and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

#### **SENATE BILL 1596 ON THIRD READING**

Senator Turner moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **S.B. 1596** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 4.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Leedom, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sibley, Sims, Truan, Turner.

Nays: Krier, Tejeda, Whitmire, Zaffirini.

Absent: Glasgow.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 4. (Same as previous roll call)

#### **NOTICE OF SESSION TO HOLD LOCAL AND UNCONTESTED BILLS CALENDAR**

Senator Haley announced that a Local and Uncontested Bills Calendar had been placed on the Members' desks and gave notice that a Local and Uncontested Bills Calendar would be held at 8:00 a.m. tomorrow and that all bills would be considered on second reading in the order in which they are listed.

#### **SENATE RULE 11.11 SUSPENDED**

On motion of Senator Parker and by unanimous consent, Senate Rule 11.11 was suspended in order that the Subcommittee on Insurance might meet to consider **H.B. 2** tomorrow.

#### **SENATE RULE 11.11 SUSPENDED**

On motion of Senator Lyon and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Criminal Justice might consider the following bills tomorrow:

**H.B. 263**  
**H.B. 862**  
**H.B. 2882**  
**H.B. 2140**  
**H.B. 1496**

#### **SENATE RULE 11.11 SUSPENDED**

On motion of Senator Dickson and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Economic Development might consider **H.B. 1801** today.

#### **NOTICE OF CONSIDERATION OF NOMINATIONS**

Senator Barrientos gave notice that he would tomorrow at the conclusion of Morning Call submit to the Senate for consideration nominations to agencies, boards and commissions of the State.

#### **RECESS**

On motion of Senator Brooks, the Senate at 4:17 p.m. took recess until 8:00 a.m. tomorrow.